

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-360 (ECT/TNL)

Plaintiff,

v.

ORDER

Tavaughn Lamarr Combs,

Defendant.

This matter comes before the Court on Defendant Tavaughn Lamarr Combs' Motions for Continuance of Motion Filing Date. ECF Nos. 21, 22.¹ Defendant also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act ("Statement of Facts"). ECF No. 23.

Defendant requests an extension of the motions filing deadline from March 24 to April 10, 2023. ECF Nos. 21, 22. He states that he needs "additional time to consult with counsel and review discovery with him" and "evaluate other circumstances and concerns related to his case." ECF No. 23 at 1. He requests that the Court "keep[] the remaining schedule as ordered [previously] by the [C]ourt," including the motions hearing date for April 24, 2023. ECF Nos. 21, 22. The Government has no objection to Defendant's request. ECF Nos. 21, 22.

¹ Defendant filed a Motion for Continuance of Motion Filing Date, ECF No. 21, on March 15, 2023. When Defendant filed his Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 23, on March 23, 2023, Defendant filed another Motion for Continuance of Motion Filing Date, ECF No. 22. Both motions, ECF Nos. 21 and 22, are identical.

In email correspondence with the Court, the parties agreed to the following deadlines:

1. Motions filing deadline: April 10, 2023;
2. Responses to motions and notice of intent to call witnesses filing deadline: April 17, 2023; and
3. Responsive notice of intent to call witnesses filing deadline: April 20, 2023.

The parties also stated that they are in preliminary plea discussions and the extension of the deadlines would allow for additional time to facilitate those discussions.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motions for Continuance of Motion Filing Date, ECF Nos. 21 and 22, are **GRANTED**.
2. The period of time from **March 15 through April 10, 2023**, shall be excluded from Speedy Trial Act computations in this case.
3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **April 10, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. Counsel shall electronically file a letter on or before **April 10, 2023**, if no motions will be filed and there is no need for a hearing.

5. All responses to motions shall be filed by **April 17, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **April 17, 2023**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **April 20, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **April 24, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before **April 24, 2023**. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov.

Judge Tostrud will hold a final pretrial on **May 5, 2023, at 9:00 a.m.** in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on **May 8, 2023, at 1:00 p.m.** before District Judge Tostrud in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.**

Dated: March 23, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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